



UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/161,283 09/28/98 MAEKAWA

T PMS255979

EXAMINER

IM52/0531

PILLSBURY MADISON & SUTRO
INTELLECTUAL PROPERTY GROUP
1100 NEW YORK AVENUE, N.W.
NINTH FLOOR, EAST TOWER
WASHINGTON DC 20005-3918

KRUER, K	
ART UNIT	PAPER NUMBER

1773
DATE MAILED:

12
05/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

**Notification of Non-Compliance with
37 CFR 1.192(c)**

Application No.
09/161,283

Applicant(s)
MAEKAWA

Examiner
Kevin Kruer

Art Unit
1773



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The Appeal Brief filed on Mar 19, 2001 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer; (2) TWO MONTHS from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

see attached

Art Unit: 1773

Notification of Noncompliance with 37 CFR 1.192(c)

Applicant's appeal brief filed March 19, 2001 is defective because it fails to meet the requirements of 37 C.F.R. 1.192(c). Specifically, the brief does not contain an accurate statement of the status of an amendment filed subsequent to the final rejection(Paper #9) as required by 37 C.F.R. 1.192(c) (4). Furthermore, the brief's statement with regard to the status of the claims pending and canceled and identifying the claims appealed is erroneous because it has not been updated to reflect the amendments entered in Paper #9, filed March 13, 2001. The brief does not contain a concise explanation of the invention defined in the claims involved in the appeal, ***which refers to the specification by page and line number***, and to the drawing, if any, by reference characters as required by 37 CFR 1.192(c)(5). The brief also states that the claims do not stand and fall together, but does not provide an argument of why the claims are considered to be separately patentable. Furthermore, the copy of appealed claims is not updated to reflect the cancellation of claim 4 and the addition of new claim 16 (as amended in Paper #9).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is (703) 305-0025. The examiner can normally be reached on Monday-Friday from 7:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver, can be reached on (703) 308-1261. The fax phone number for the organization where this application or proceeding is assigned is (703)305-5436.

Application/Control Number: 09/161283


Page 3

Art Unit: 1773

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0651.



Kevin R. Kruer
Patent Examiner



BLAINE COPENHEAVER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700